REMARKS

In the Office Action of January 6, 2006, claims 1-20 are pending. Claims 1, 12, and 20 are independent claims from which all other claims depend therefrom.

The Office Action states that claims 1-2, 8-13, and 18-19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5, 8, and 15-18 of U.S. Patent No. 6,900,437 B1. Applicants herewith submit a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection.

The Office Action also states that claims 3-7, 14-17, and 20 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 8-13, 18-19 of U.S. Patent No. 6,900,437 B1 in view of U.S. Patent No. 4,963,798. Applicants submit that since a terminal disclaimer is herewith submitted and since U.S. Patent No. 6,900,437 B1 is no longer a valid reference as further expressed below, that this rejection is also overcome.

Claims 1-2, 8-13, and 18-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Remillard et al. (U.S. Patent No. 6,900,437 B1).

Applicants herein, respectfully, request that a Related Application Section, as provided above, be inserted in the specification of the present application to include a newly added paragraph [0001] and that the originally filed paragraphs of the application be renumbered accordingly. The newly added paragraph [0001] asserts that the present application is a continuation-in-part application of U.S. Patent No. 6,900,437 B1. As such, Remillard is no longer a valid reference upon which the Examiner can rely. Thus, the 35 U.S.C. 102(e) rejection in view of Remillard is overcome.

Claims 3-7, 14-17, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Remillard et al. in view of Mcdermott (U.S. Patent No. 4,963,798).

Applicants submit that since Remillard is no longer a valid reference, that the 35 U.S.C. 103(a) rejection in view of Remillard and Mcdermott is also overcome.

Claims 1-2 and 12-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Chapman et al. (U.S. Patent No. 5,685,637).

Claims 1 and 12 recite a lighting system for night vision applications. The system includes a near infrared light source and an optical element that is disposed a distance from the near infrared source. The optical element has an input surface for receiving light from the near infrared source and an output surface for emitting the received light in a desired emission pattern. A visible, non-red light source is arranged proximate a surface of the optical element such that the output surface of the optical element emits the visible light to mask the emitted near infrared light. Claim 12 recites similar limitations as that of claim 1. Claim 12 more explicitly recites that the optical element receives light from the near infrared source and the visible light source.

The Office Action states that Chapman discloses the limitation of a visible, non-red light source that is arranged proximate a surface of an optical element such that the output surface of the optical element emits the visible light to mask the emitted near infrared light. Applicants, respectfully, traverse.

Chapman discloses a dual spectrum illumination system for aircraft. The illumination system includes a halogen lamp 18 and a series of LEDs 28, which emit visible light and infrared light, respectively. The halogen lamp 18 has its own associated lens 46. The LEDs 28 are mounted in a plate 12 and on an LED printed circuit board 14. The plate 12 and the board 14 are in the shape of rings that are mounted adjacent and around the halogen lamp 18. A ring-shaped protective lens 10 is attached over the plate 12.

Throughout Chapman it is stated that the user may either operate the halogen lamp 18 or the LEDs 28. Chapman discloses a switch for alternating between the halogen lamp 18 and the LEDs 28. Chapman also states that the halogen lamp 18 is used for normal landing conditions and the LEDs 28 are

used for covert landing. A covert landing refers to the landing of an aircraft using lights that cannot be seen by the naked eye. See col. 1, lines 53-60, col. 2, lines 8-14, col. 3, lines 19-21, and elsewhere in Chapman. There is no suggestion anywhere in Chapman for the simultaneous use of the halogen lamp 18 and the LEDs 28.

Also, although the halogen lamp 18 is mounted proximate the lens 10, it is not mounted such that light emitted from the halogen lamp 18 passes through the lens 10. The halogen lamp 18 is not used to mask the light emitted from the LEDs 28. Nowhere in the Chapman reference is the problem described and solved by the present invention mentioned or suggested. Namely, Chapman fails to provide a night vision system that is configured to emit near infrared light forward of a vehicle, which is not perceived as red in color.

In close review of Chapman, it appears that the light emitted from the halogen lamp 18 passes only through the lens 46 and not through the lens 10. It also appears from the figures of Chapman that the frame of the halogen lamp 18 is mounted within plate 12 and that the lens 46 extends outward through the center of the plate 12. See Figs. 1 and 8 of Chapman. Light from the halogen lamp passes through the lens 46 and light from the LEDS 28 passes through the lens 10. There is no suggestion anywhere in Chapman, otherwise. As such, the halogen lamp 18 does not mask the light emitted by the LEDs 28. Besides, the simultaneous emission of light from the halogen lamp 18 and the LEDs 28 is not taught or suggested by Chapman.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Chapman fails to teach or suggest each and every element of claims 1 and 12, claims 1 and 12 are novel, nonobvious, and are in a condition for allowance. Therefore, since claims 2 and 13 depend from claims 1 and 12, respectively, they too are also novel, nonobvious, and are allowable for at least the same reasons.

Claims 3-5, 7, 14-15, 17, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of McDermott.

Applicants submit that since claims 3-5, 7, 14-15, and 17 depend from claims 1 and 12, respectively, that they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

Claim 20 includes all of the limitations of claim 1. As stated, Chapman fails to teach or suggest the novel masking claimed and taught by the present invention.

McDermott is directed to a portable lighting device that has LEDs 21 and 22. The emission of the LEDs is combined to emit a visible whitish color light. Nowhere in McDermott is infrared lighting for night vision applications disclosed or is the masking of such lighting by a visible light source mentioned or suggested.

Also, neither Chapman nor McDermott disclose, teach or suggest the additional recited limitations of a thin-sheet optical element disposed a distance from a near infrared source, a camera, or a display, and especially not as claimed. Chapman only discloses a dual-spectrum light source and McDermott only discloses a portable lighting device. The Office Action is silent with regard to all of these claimed limitations.

Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, since both Chapman and McDermott fail to teach or suggest each and every element of claim 20, it is also novel, nonobvious, and is in a condition for allowance for at least the above-stated reasons.

In light of the amendments and remarks, Applicants submit that all the rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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